

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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JERRY LEE JOHNSTON, JR.,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

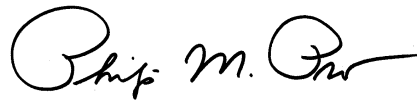
2:09-CV-01965-PMP-LRL

**ORDER**

**IT IS ORDERED** that the Report and Recommendation (Doc. #3) entered April 19, 2011 by the Honorable Lawrence R. Leavitt, United States Magistrate Judge is hereby **AFFIRMED**.

**IT IS FURTHER ORDERED** that this action is hereby **DISMISSED** without prejudice.

DATED: April 25, 2011.



PHILIP M. PRO  
United States District Judge